IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 24TH AUGUST 2007 / 2ND BHADRA 1929

Crl.MC.No. 2729 of 2007()

ST.1506/2006 of JUDL. MAGISTRATE OF FIRST CLASS COURT-I, THRISSUR

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PETITIONER: SOLE ACCUSED

MALATHI, W/O.VELAKATHARATHU SREEKUMAR,
AYYANTHOLE VILLAGE DESOM,
THRISSUR DISTRICT.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS: STATE OF KERALA

THE STATE OF KERALA, REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24/08/2007 ALONG WITH CRMC.NO.2732 OF 2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.Nos.2729 & 2732 of 2007

Dated this the 24th day of August, 2007

O R D E R

The common petitioner in these two Crl.M.Cs faces indictment in two separate prosecutions, both under Section 138 of the Negotiable Instruments Act initiated by different complainants. Cognizance has been taken by the learned Magistrate. The petitioner has not appeared before the learned Magistrate so far. In these circumstances, the learned Magistrate has issued coercive processes against the petitioner. She apprehends that she may be arrested in execution of the non bailable warrant issued by the learned Magistrate.

2. According to the petitioner, the petitioner is absolutely innocent. Her omission/failure to appear earlier before the learned Magistrate was not wilful, but was due to reasons beyond her control. She is willing to co-operate with the court for the expeditious disposal of the case and to surrender and seek bail. But she apprehends that her application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. It is therefore prayed that directions under Section 482 Cr.P.C may be issued in favour of the petitioner.

2. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which she could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

3. These Crl.M.Cs are, in these circumstances, dismissed, but with the specific observation that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

(R.BASANT, JUDGE)

rtr/-